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CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MC MS00165

CASE NAME: C'SHIP OF HILDA AGATA GRAHAM

HEARING:
Petition for Appointment of Conservator

COUNSEL:

ERNESTO GRAHAM	(PET)...	DENNIS J HEALEY
HILDA AGATA GRAHAM	(CEP)...	
JOHN E GRAHAM	(PET)...	D M DAVIS
HILDA AGATA GRAHAM	(PET)...	D M DAVIS

GENERAL INFORMATION:

Temporary letters issued to son Ernesto on 7-19-06. On 8-8-06, he brought ex parte petition to try to obtain order to permit the Sheriff to pick up his mother from other family members, as they were denying him access. John Graham appeared to object. The Court ordered visitation with Ernesto and no one to remove Hilda Graham from the State of California. The original hearing date for Ernesto's petition for conservatorship was continued to this date.

Competing petition has been filed by John Graham (son)

THIS CASE IS SET FOR HEARING ON Petition for Conservatorship, person & estate, by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Donna Gordon represents proposed conservatee. Doctor's report filed in Confidential envelope re: medical capacity.

Notes re: Ernesto Petition:

1. Need the Court Investigator's report.

2. Need capacity declaration from doctor to support the request for medical powers.
3. Requesting bond of \$20,000. OK
4. Need to file Citation with proof of personal service.

Notes re: John Graham Petition

1. Filed capacity declaration which indicates no capacity for medical consent. Court may wish to review, as the finding boxes checked are minimal. Also, different opinion from Dr. Botwin (report filed by proposed conservatee's attorney)
2. Need to file Citation.
3. Need CI report.
4. Requesting no bond due to size of estate and would qualify for a waiver. However, Court still has discretion and Court may wish to require a minimal bond of \$20,000 in this case.
5. Hilda has signed letter in favor of John Graham being the conservator. Indicates that John has been taking care of her for the past 20 years. [Court may wish to note the declaration filed in support of petition which describes caretaking situation, very unclear.]

RECOMMENDATION:

Each petitioner has notes to clear. Without Citation, court has no jurisdiction over the proposed conservatee.

If one is approved, set hearing for filing of Inventory & Appraisal for Redlands Court for 4-17-07. Set hearing for filing of accounting for 12-11-07.

CASE #: MC MS00165

CASE NAME: C'SHIP OF HILDA AGATA GRAHAM

HEARING:

OSC re: CONSERVATORSHIP

COUNSEL:

ERNESTO GRAHAM (PET)...DENNIS J HEALEY

HILDA AGATA GRAHAM (CEP)...

JOHN E GRAHAM (PET)...D M DAVIS

HILDA AGATA GRAHAM (PET)...D M DAVIS

See prior notes

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MC MS00169
CASE NAME: CONSERVATORSHIP OF JOSEPH M. DURAN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

KAREN L KOMOROWSKI (PET)...PRO/PER
JOSEPH M DURAN (CEE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for **Limited** Conservatorship, by
maternal grandmother, Person only

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. (See Guardianship petition brought by MGM as to Britney Duran)
2. Court denied temporary letters on 9-19-06.
3. Requesting medical capacity powers. Need to file Capacity Declaration.
4. Court has requested CI report and home visit of Joseph Duran. Waiting for report.
5. Need to file Citation.
6. Need to file Notice of Hearing and Proof of Service as to Inland Regional Center. (Need 30 days notice rather than usual 15 days)
7. Need to file Notice of Hearing and Proof of Service on family members named in the petition.
8. Not requesting estate powers, but would like the ability to apply for social security benefits, etc. Petition indicates that petitioner is already the SS payee. Is this additional order necessary? If so, should the petitioner also be filing a petition to become conservator of estate?
9. Mother of proposed conservatee (Jessica Duran) appeared at ex parte.
10. Petitioner needs to complete the Confidential Conservator Screening Form (Nos. 4, 5, 6) Answer 7 conflicts with the Confidential Guardian Screening Form filed for Guardianship of Britney Duran.
11. Court should refer to PC 1828.5 for necessary determinations at hearing on limited conservatorships. Section 1828 provides the list of information which the Court must provide to the proposed conservatee at the time of hearing.
12. Need Inland Regional Center report.

13. Court must appoint counsel for the proposed conservatee.
14. Court may wish to require petitioner to submit proof of proposed conservatee's birth date (Cal. Identification card or birth certificate, etc.)

RECOMMENDATION:

Need to clear all notes. Appoint Counsel. Wait for reports from CI and IRC.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00458

CASE NAME: GUARDIANSHIP OF JUSTYN BROSSARD MADEIROS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
TOMMIE LEE ZOOK (PET)...J ALAN PLOTT
DON ZOOK (PET)...J ALAN PLOTT
JUSTYN BROSSARD MADEIROS (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by paternal grandmother and step, minor 12

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court to review Confidential Screening Form.
2. Petitioners need to sign the Questionnaire on page 1 as marked with the green flag.
3. Mother signed waiver and consent.
4. Various declarations filed and copies of father's criminal history.
5. Petitioners live in Utah. **Court issued temporary lettes on 9-5-06 with order allowing guardians to take minor to Utah and enroll him in school. They cannot establish a permanent residence for him without permanent letters. Father to have no contact pending further order. Sgt. Spear may take a report on paraphernalia taken from father by minor child and turned over to Sgt. Spear in open court.**
6. If guardianship granted and they return to Utah permanently, then they will need to file a Petition for Guardianship there, too, and have this one terminated. Please file Petition to Fix Residence (GC-085).
7. Need to file proof of personal service on minor and on father.

8. Petition incomplete at Item 18 re: relatives. There is a mention in the UCCJEA that minor lived with sister, yet she is not listed. Maternal grandparents are not listed. Also need to identify the paternal grandfather.
9. Need to file proof of mailed service on other relatives. (See note 8)
10. Need to file Proposed Letters.

RECOMMENDATION:

None

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00902

CASE NAME: ESTATE OF LARRY K. LAYMON

HEARING:
OSC re: Sanctions

	COUNSEL:
LINDA G. WAUGH	(PET)...PRO/PER
LARRY K. LAYMON	(DEC)...

GENERAL INFORMATION:

Continued from 9-11-06 as declaration was filed too close to hearing.
THIS CASE IS SET FOR HEARING ON OSC re: Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This hearing was set on 7-10-06 due to failure to file accounting. Citation was issued. Proof of personal service in file as to Linda Waugh.
Declaration filed. She has been ill and forgot to appear. She is no longer able to drive and has in home services.
2. Court suspended the powers on 7-10-06. **Declaration: continued to work on case because it was close to being done. Paperwork lost, beneficiaries moved, and so caused delays in filing.**
3. Subsequently, Linda Waugh filed her final report and waivers of account. Court needs to determine whether to accept them, as they were filed at a time when powers were suspended.
4. Notes re: Accounting:
 - a. all heirs waive accounting
 - b. sole asset of estate is proceeds from asbestos litigation. all heirs have signed agreement to pay attorneys in litigation 40% of the profits. CRC 7.703 provides that contingency fee agreements should be approved by the court in advance. **Declaration: Decedent signed the agreements with the attorneys and litigation started prior to death. OK**

- c. Requesting statutory commission of \$5142.11. OK
- d. Requesting extraordinary commission for handling case as special administrator and as administrator, dealing with the litigation. Court should note that administrator has been cited in to court for non-compliance with court orders, caused the estate a charge of \$1300 for a citation relating to removal of a trailer, and has not had other property to marshall in this estate. JTD. **Declaration: No money to filx the trailer. Beneficiaries have approved all expenses. Has had to review numerous legal documents re: asbestos litigation over a 5 year period. Made numerous trips to a notary, retained bankruptcy attorney in Ohio to protect the estate against a blanket default judgment. Negotiated settlements and reduced attorney fees.**
- e. There has been an assignment of one heir's interest. Also, the bankruptcy court has ordered that the share of Larry Jay Laymon be paid to them. Distribution accounts for these items. OK

RECOMMENDATION:

Court to determine whether accounting proper under suspension. If so, court could order suspension lifted retroactively to the date of filing.

Once approved, set hearing for filing of receipts and final discharge for 9-10-07 in Redlands.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01302

CASE NAME: ESTATE OF REYNALDO C. GARCIA

HEARING:
Accounting Review

COUNSEL:
IRMA BARTON (PET)...DANIEL C. SEVER
CECILIA G RODRIGUEZ (PET)...DANIEL C. SEVER
REYNALDO C GARCIA (DEC)...

GENERAL INFORMATION:

Continued from 3-27-06. No appearance. Clerk contacted Attorney Sever, who reported that case had been mis-calendared.

Continued from 4-17-06.
Continued from 6-5-06 at request of petitioner.

Continued from 7-24-06 at request of petitioner. **No further documents filed.**

Continued from 9-11-06. Attorney Sever appeared. **STILL nothing filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Still nothing filed.
2. If the estate is not ready for an accounting, a status report may be filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in PC 11050, et seq. Court may wish to set OSC for Redlands.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01314

CASE NAME: ESTATE OF LORETTA ANN EVANS

HEARING:

Hearing Re: OBJECTION AND RESPON TO OBJECTION.

COUNSEL:

CRAIG MERRIAM (PET)...IGNAZIO
LORETTA ANN EVANS (DEC)...

GENERAL INFORMATION:

Continued from 5-22-06. Continued from 6-19-06. Response filed to objection, and objector did not have time yet to review it.

Continued from 7-10-06. Petitioner to provide an inventory of items to other parties.

Nothing new filed.

Continued from 8-14-06. Court just approved new sale of property for \$230,000.

Continued from 9-11-06.

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Status report indicates that estate not ready to close as the sale of the real property (975 Saddleback Road) has not been accomplished. **Just finished.**
2. Court should note that an Order Confirming the Sale of that property was executed on 12-19-05. **New buyer just bought the property.**
3. Objection filed by Gretchen Womack and Bruce Merriam (children of deceased) as to report. Contends that administrator has failed to account for valuable personal property, has incurred unnecessary storage charges, failed to maintain the real property, failed to make the monthly mortgage payment one time, and has failed to report the money due to the objectors. **Additional notices re: missing items and other issues filed on 9-12-06.**

4. Response filed by Craig Merriam regarding agreement to dispose of personal property. Contends that it is the objectors who have not assisted and caused delays. Pays mortgage with his own money, since no funds in estate.

RECOMMENDATION:

Judge to determine if interim accounting necessary (if objectors still contend that there are items in dispute). Court may wish to inquire when final accounting will be filed.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01340

CASE NAME: ESTATE OF KATHERINE M. PETERSON

HEARING:
Accounting Review

COUNSEL:
SHARON JEAN DANIELS (PET)...D M DAVIS
KATHERINE M PETERSON (DEC)...
LISA TRAUB-AINSWORTH (CON)...CHARLOTTE KORNEV

Off-calendar. Accounting already approved.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01377

CASE NAME: ESTATE OF FLORA L. HARDING

HEARING:

Hearing re: PET'N FOR FINAL DISTRIBUTION ON WAIVER OF ACCOUNTI

COUNSEL:

TOM HARDING (PET)...WAGNER KIRKMAN BLAINE & YOUMAN
FLORA L HARDING (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Due to failure to file accounting earlier and no appearance, matter set for OSC.
2. Waiver of accounting by sole heir.
3. Statutory attorney fee requested of \$4580.18. OK
4. Administrator waives commission. OK

RECOMMENDATION:

RFA after court determines whether to proceed with OSC and sanction.

Will need to file proposed order.

Once approved, set for hearing in Redlands Court for 10-2-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01406

CASE NAME: ESTATE OF ARLA MARIE HAAG

HEARING:
Accounting Review

COUNSEL:
SHANA LEE FEUERHAHN (PET)...DANIEL C. SEVER
ARLA MARIE HAAG (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
Nothing filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in PC 11050, et seq.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01407

CASE NAME: ESTATE OF FRANCES MARIE SABOL

HEARING:
Hearing Re: Approval of Accounting.

COUNSEL:
DAVID E SABOL (PET)...PRO/PER
FRANCES MARIE SABOL (DEC)...

GENERAL INFORMATION:

This matter set on 8-21-06 following hearing on contested accounting. Witness Patrick O'Brien examined. Minute order states that corrected accounting to be prepared covering the period of 2-17-05 to 8-31-06 and that accounting to be filed by 9-15-06, and served on other parties.

Accounting was not filed until 9-20-06

THIS CASE IS SET FOR HEARING ON Approval of Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need to file proof of service on accounting.**
2. Accounting indicates payments to beneficiaries, but does not name them. Please identify beneficiaries paid and provide receipts from them.
3. Trial brief by David Sabol brings up several questions to be answered. The new accounting does not attempt to answer these questions. There is no explanation in the new accounting how it is changed from the prior one.
4. Issues raised by David Sabol:
 - a. Claim that closed BofA account because couldn't find check book, yet checks were written on that account.
 - b. Billing of Attorney Smith for documents which were not filed.
5. Objection previously filed by Vickie and Christie McCarthy.

6. Notes from prior accounting (hearing 6/19/06). Those notes which have been cleared by the filing of the new accounting have been deleted.

Accounting Notes from 6/19/06

1. The following documents are at issue:
 - a. Trust
 - b. Amendment to Trust
 - c. Will
 - d. Personal Property Directive
2. Per Trust Amendment, Patrick O'Brien became the successor trustee upon the death of Frances Sobol. She died on 2-17-05.
3. Per the Trust Amendment, upon her death, the successor trustee was to distribute as follows:
 - a. 73747 Siesta Drive, 29 Palms to United Methodist Church **Distributed 8-26-05**
 - b. 81126 Ambrosia Way, 29 Palms to 29 Palms Historical Society **Distributed 8-26-05**
 - c. Residue in equal shares to:
 - i. Linda Carpenter
 - ii. David Sabol
 - iii. Vicki McCarthy
 - iv. Yvette Sabol
 - v. Richard Mayotte
 - vi. Jeri Sabol
4. According to accounting, as of date of death, trust contained cash assets of \$138,432.64, various items of personal property, 1998 Honda Civic, 1985 Nissan Lakeview Motorhome and the two items of real property. (Unclear if "Mutual of Omaha Insurance Claim of \$51,783.23 has been paid, but it is counted as cash available. **Supplement indicates that claim is still pending and that now getting death certificate so as to make claim. Questions naturally arise as to whether trustee has acted reasonably prudently in delaying acting to obtain an asset worth over \$50,000. It has been more than a year since the death of the trustor.**)
5. During the accounting period (2-17-05 to 10-20-05), the trust gained receipts of \$1676.32. That means the total cash available was \$140,108.96.
6. Accounting shows total disbursements of \$12,247.16, which would mean that cash available should be \$127,861.80. Accounting shows cash available of \$131,898.16. **Need to explain discrepancy. Supplement filed regarding missing one bank account. However, as that bank account had over \$17,000, that new account does not explain the discrepancy. Try again.**
7. Issues regarding validity of disbursements:
 - a. Trustee has taken total fees of \$5187.85 in 8 months. There is no provision in trust agreement regarding fees and therefore the statutes apply to require a "reasonable" fee. Unclear how the fees taken were reasonable. Why was a total of \$1862 fees reasonable in June? What

has the trustee done to administer trust? The trust clearly stated that upon date of death of Frances Sobol, the trust assets were to be distributed. It doesn't appear that there was any such immediate distribution, nor any explanation of why cash could not have been easily given to the beneficiaries. It is also possible that the assets have still not been distributed, contrary to the declaration under penalty of perjury to the contrary. **Supplement states that Frances Sobol lived alone and seldom threw things away. Much time in going through the paperwork. Claims that David Sabol confronted them in a "menacing fashion" and police reports were made. Time sheets have been submitted. In June, there were 15 hours spent on "pick up, sort, analyze and act on mail". So trustee is charging more than \$100 per hour to go through the house? Is that a reasonable fee? [New note: Fees now taken total \$9496.85.]**

- b. Trustee has paid \$450 to Williams Ins. on 4-22-05. Why did the trust need to insure any assets, as the trust provided for immediate disbursement? If the insurance was for real property, why didn't the trustee simply deed the property over before the insurance was due? **Supplement filed regarding acquisition of insurance and trouble with dealing with United Methodist Church. But what about other beneficiary? Why didn't the trustee take care of the transfer earlier? So far, there has been no explanation as to the dilatory conduct of the trustee.**
 - c. Trustee paid \$1350 to American Modern Ins. on 6-20-05. Same issue.
 - d. Trustee paid his wife \$325 to clean the residence on 5-25-05. There was no need to clean the residence, as the property should have been immediately distributed to the new owner months earlier. **Supplement filed regarding decedent holding on to materials.**
 - e. Trustee paid "JBS accounting fees" of \$225. Where is the accounting? What is it an accounting of? **Supplement indicates that this related to income tax preparation for decedent.**
 - f. Trust continued to pay utilities on properties. Why weren't they distributed earlier to avoid the expense? **Supplement indicates that for United Methodist Church, hard to find a person responsible due to change of leadership there.**
 - g. "Band service charge" of \$13.90 on 3-8-05 appears to be the charge by the bank for new checks. What is significant is that successor trustee closed the existing trust checking account to then open up this new account (and 1 other new account). **Supplement indicates that change was made at suggestion of bank due to automatic billings for utilities. But if the property was not sold and utilities would be paid by estate, why would the accounts need to be closed?**
 - h. Interest accounted for in receipts does not match the amount contained in the bank records. (Amount reported too low by approximately \$100.)
- 8. *It is possible that trustee has committed breach of fiduciary duty and may have some personal liability/surcharge.***

9. Current list of assets indicates that most of the personal property and the real property has now been distributed. Please file verified supplement stating list of recipients for each item and date distributed.
10. Why hasn't photo slide collection been distributed? According to the Personal Property Directive, Christy McCarthy was supposed to be given the slides. Christy McCarthy filed a declaration with the Court in July 2005 expressing her desire to have the property. She indicated that she had never been contacted to that time about the bequest. She states she takes great pride in her family and heritage and was honored by the bequest. **Supplement states that the collection has now been distributed.**
11. There is no explanation of the "Bankruptcy Claim Chapter 7 – Viaticals", which now appears as a current asset of the trust. What is it? When did this asset arise? **Supplement explains that this was an investment made by decedent. One of the proceedings has been discharged under Chapter 7 with no recovery to creditors.**
12. PFF Bank records were subpoenaed by David Sobol. These records show that an account held in the name of Frances Sobol as an individual was in existence in April 2005. However, that account was closed by successor trustee on 4-13-05 and the balance of \$3214.56 was then transferred to the trust. What was the authority of the successor trustee to take the bank account not held in trust? **File verified supplement.**
13. This accounting (and the verified supplements) needs to be served on all beneficiaries of the trust. File proof of service. **Proof filed as to amended accounting.**
14. **Objector has filed document relating to Attorney Smith's disciplinary issue with the State Bar.**
15. **On 6-1-06, Objector filed additional Objections to the Accounting. Argues that trustee fell below the standard of care. Argues that trust and attorney fees were taken out improperly, and other issues.**

RECOMMENDATION:

Continue with contested hearing.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01411

CASE NAME: ESTATE OF BRADLEY JAMES COLVERT

HEARING:
Accounting Review

COUNSEL:
ANGELA G COLVART (PET)...PATTERSON HANNA & ASSOC
BRADLEY JAMES COLVART (PET)...PATTERSON HANNA & ASSOC

Matter continued to 4/3/07 in Redlands. (Waiting for litigation proceeds)

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01416

CASE NAME: ESTATE OF EDWARD EUGENE SEARCY

HEARING:
Accounting Review

COUNSEL:
BANK OF THE WEST (PET)...MITCHELL SILBERBERG & KNUPP, L
EDWARD EUGENE SEARCY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
Nothing filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in PC 11050, et seq.

RE: ESTATE OF MILLER, MPR 01423:

See end of calendar

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01602

CASE NAME: MATTER OF BETTY LOVING

HEARING:
Petition to determine succession to Real Property

COUNSEL:
VIKI BUYSEE TRU (PET)...ALAN MERLIN REEDY
BETTY F LOVING (DEC)...

GENERAL INFORMATION:
Continued last from 9-11-06

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Copy of trust shows that Gregory Means was supposed to be the successor Trustee. Please file verified supplement explaining under what authority Viki Tru is the successor trustee. Need proof of service on supplement showing it was mailed to Gregory Means.

RECOMMENDATION:
Need verified supplement.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01622

CASE NAME: MATTER OF HELEN C. MCCULLOCH

HEARING:
Petition to determine succession to Real Property

COUNSEL:
PATRICIA I BRIONES (PET)...TABI KATOUZI, ESQ.
HELEN C MCCULLOCH (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file copy of trust which shows that petitioner is the successor trustee.

RECOMMENDATION:

Need to clear notes.

Order is being returned, as address of beneficiary must be stated.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01623

CASE NAME: ESTATE OF LINDA THOMPSON CHILDS

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
FRED LANE THOMPSON (PET)...IGNAZIO
LINDA THOMPSON CHILDS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Sole heir waives bond.

RECOMMENDATION:

RFA subject to 1. If approved, set hearing for Redlands Probate Court for filing of Inventory & Appraisal for 4-17-07. Set hearing for filing of accounting for 12-11-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01624

CASE NAME: MATTER OF KURT PAUL MORRACK

HEARING:
Petition to determine succession to Real Property

COUNSEL:
DORIS PUMA (PET)...IGNAZIO
MONICA FRAMPTON (PET)...IGNAZIO
KURT PAUL MORRACK (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
None

RECOMMENDATION:
RFA

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01625

CASE NAME: ESTATE OF C.E. DILLEY

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
STACEY DILLEY SCHAAF (PET)...IGNAZIO
C.E. DILLEY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate, with limited authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Requesting \$75,000 bond. OK
3. Need the original signature on the Letters.

RECOMMENDATION:

RFA subject to note 1. Need original signature on Letters before Clerk issues.
If approved, set hearing for Redlands Probate Court for filing of Inventory & Appraisal for 4-17-07. Set hearing for filing of accounting for 12-11-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01626

CASE NAME: ESTATE OF PATRICIA ANNE UNDERWOOD

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
JAMES D DURSTON (PET)...PRO/PER
JOYCE E COLE (PET)...PRO/PER
PATRICIA ANNE UNDERWOOD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. All heirs waive bond.

RECOMMENDATION:

RFA subject to 1.

If approved, set hearing for Redlands Probate Court for filing of Inventory & Appraisal for 4-17-07. Set hearing for filing of accounting for 12-11-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01628

CASE NAME: ESTATE OF HAROLD L. JOHNSON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

M. TERESA RIVERA (PET)...DANIEL C. SEVER
HAROLD L JOHNSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Need to file Notice of Petition to Administer Estate.
3. Requesting \$180,000 bond. OK
4. Surviving spouse has priority. Does spouse waive?
5. Need to file executed Duties of Personal Representative.
6. Did not file proposed Order or Letters.
7. Need to file Confidential Statement of Birth Date & Driver's License.

RECOMMENDATION:

Must clear notes.

If approved, set hearing for Redlands Probate Court for filing of Inventory & Appraisal for 4-17-07. Set hearing for filing of accounting for 12-11-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 10/02/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01629

CASE NAME: MATTER OF IRENE JOHNSTON

HEARING:
Petition to determine succession to Real Property

COUNSEL:
GEORGE D JOHNSTON (PET)...DANIEL C. SEVER
IRENE JOHNSTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Need to file proposed order.

RECOMMENDATION:
Need to clear note 1.

MPR 01423
Estate of Evelyn Godfrey Miller

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate cannot close yet due to need to sell real property.
2. Requesting 6 month extension.

RECOMMENDATION:

Continue matter to 4-17-07 in Redlands Court.

GUARDIANSHIP OF BRITNEY MARIE DURAN, MG 00459

(See No. 2 re: Limited Conservatorship of Joseph Duran (brother of Britney))

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal grandmother, minor 16

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file Attachment 19 to Confidential Screening Form. Alternatively, Court could inquire at hearing.
2. Temporary letters issued 9-19-06.
3. Referred to CI for report and home assessment on petitioner (MGM) and mother Jessica Duran. Mother appeared at ex parte.
4. Need to file notice of hearing and proof of mailed service on the maternal grandfather and paternal grandparents. As court has advanced hearing date, the notice of hearing should reflect the 10/2/06 hearing.
5. Need to file notice of hearing and proof of personal service on father. Father is reported to be living in Ohio. Petitioner can satisfy service requirement by mailing, certified mail return receipt requested, to him. Need 10/2 hearing date.
6. Need to file notice of hearing and proof of personal service on mother. Mother appeared at ex parte and if she appears again, could be deemed to have notice.
7. Waiting for requested CI report.
8. Court should note that Guardianship Questionnaire omitted information that Joseph Duran lives with petitioner. See MG 0169 re: Petition for Conservatorship filed by Karen Komorowski.

RECOMMENDATION:

None